

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DAMION PAUL GOODING,

Plaintiff,

Case No. 2:18-cv-01732-YY

ORDER

v.

OREGON DEPARTMENT OF CORRECTIONS,  
et al.,

Defendants.

MOSMAN, Chief Judge.

Plaintiff, an inmate at the Two Rivers Correctional Institution ("TRCI"), brings this civil rights action pursuant to 42 U.S.C. § 1983 *pro se*. Currently before the Court is Plaintiff's Motion for Temporary Restraining Order and a Preliminary Injunction (ECF No. 5). For the reasons that follow, the Court DENIES Plaintiff's Motion.

## **BACKGROUND**

Plaintiff's Complaint alleges Defendants failed to protect Plaintiff from an inmate assault on March 15, 2018. In his Motion, Plaintiff seeks a temporary restraining order and preliminary injunction requiring defendants to continue to house Plaintiff on Unit 3 at TRCI. In his Declaration in support of the Motion, Plaintiff states that he faces "continued mental suffering due to unnecessary stress and anxiety, and fear of further assaults." Plaintiff does not, however, present any facts showing he is in imminent danger of being moved to another prison unit or facility, or that he is in imminent danger of suffering immediate or irreparable injury even if he is moved.

## **DISCUSSION**

### **I. Temporary Restraining Order**

Pursuant to Fed. R. Civ. P. 65(b)(1)(A), this Court may issue a temporary restraining order without written or oral notice to the Defendants only if "specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." As noted, Plaintiff does not present specific facts satisfying this requirement. Accordingly, this Court cannot issue the temporary restraining order sought without affording notice and an opportunity to be heard to the Defendants.

### **II. Preliminary Injunction**

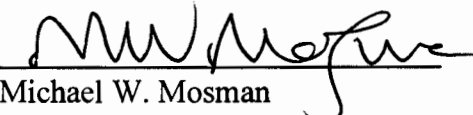
Pursuant to Fed. R. Civ. P. 65(a)(1), "no preliminary injunction shall be issued without notice to the adverse party." Plaintiff's Motion and supporting papers include neither a certificate of service on the Defendants nor a showing of why notice should not be required in this case. Accordingly, Plaintiff's motion is denied.

### CONCLUSION

For these reasons, the Court DENIES Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 5), without prejudice to Plaintiff's right to re-file the motion curing the deficiencies noted above.

IT IS SO ORDERED.

DATED this 1<sup>st</sup> day of Nov., 2018.

  
Michael W. Mosman  
United States Chief District Judge